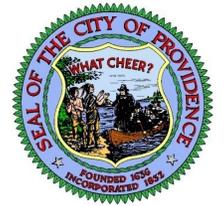
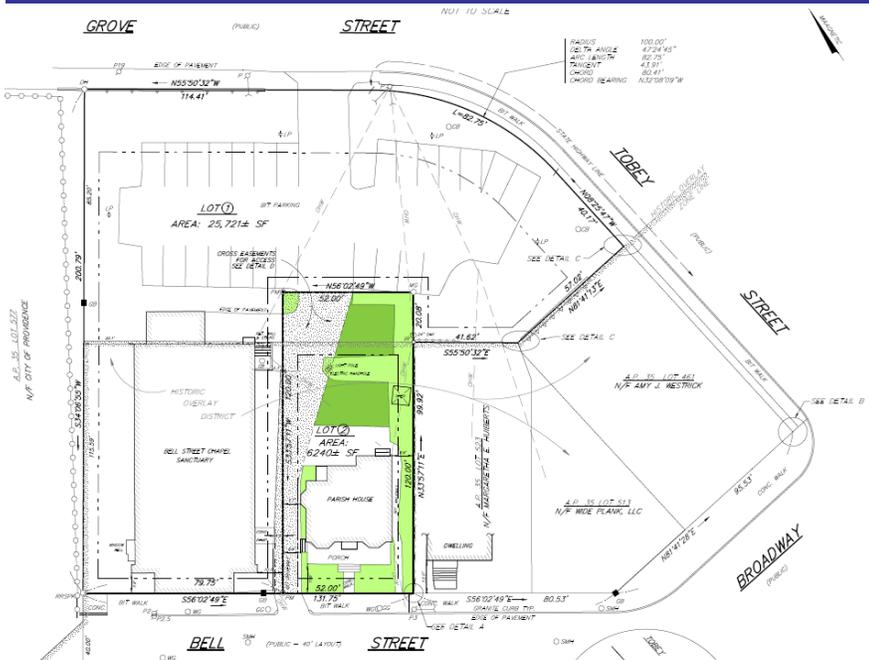


Providence City Plan Commission

June 21, 2022



AGENDA ITEM ■ 5 BELL STREET



Aerial view of the site

Proposed subdivision

OWNER/APPLICANT: Bell Street Chapel Trustees

PROJECT DESCRIPTION:

The subject lot measures approximately 31,878 SF and is occupied by two buildings, a place of worship and an associated residence. The applicant is proposing to subdivide the lot into two lots of 25,721 SF and 6,240 SF, separating the two buildings, with the residence located on the smaller lot. Pursuant to unified development review, the applicant is seeking relief from section 402 for exceeding the maximum impervious surface rear yard coverage for both lots.

CASE NO./ PROJECT TYPE: 22-019 UDR—Unified Development Review

PROJECT LOCATION: 5 Bell Street
AP 35 Lot 590; R-P zoning district, Historic District Overlay

RECOMMENDATION: Approval of preliminary plan and dimensional variances

NEIGHBORHOOD: Federal Hill

PROJECT PLANNER: Choyon Manjrekar

DISCUSSION—Dimensional Relief

The subject lot measures approximately 31,878 SF and is located at the end of Bell Street and zoned R-P. It is occupied by a house of worship and an associated residence that front on Bell Street, with parking in the rear that is accessed from Grove Street. The applicant is proposing to subdivide the lot into two lots of 25,721 SF for the house of worship (Lot 1), and 6,240 SF for the residence (Lot 2). Pursuant to Unified Development Review (UDR), the applicant is seeking relief for total rear yard impervious coverage, for lot 1 and lot 2, where impervious coverage is limited to 50%, but 53% and 58% of rear yard impervious coverage is respectively proposed.

Findings—Dimensional Variance

Section 1902 of the zoning ordinance requires that the CPC find evidence of the following standards in order to grant a variance:

1. *That the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area; and is not due to a physical or economic disability of the applicant, excepting those physical disabilities addressed in Rhode Island General Laws §45-24-30 (16).*

Based on plans provided, it appears that the relief is necessary due to the unique characteristics of the subject property, which is occupied by two buildings with a parking area in the rear that contributes to the majority of impervious surface on site. The lot provides more parking than is typically observed for buildings in this area due to the existence of the church. Parts of the parking lot will be apportioned to each of the newly created lots upon subdivision, resulting in excess rear yard impervious coverage for each lot.

Given the characteristics of the lot, the new lots will be unable to maintain the rear yard impervious coverage limits for which relief is being requested. The relief sought is related to the unique conditions of the property, and is required in order to situate each structure on a separate lot.

2. *That the hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain.*

As discussed, the hardship suffered by the applicant appears to be due to the unique character of the lot, which is not the result of a prior action of the applicant. The excess rear yard coverage for lot 2 results from existing paving. The proposed subdivision would result in two lots with a separate building on each lot, with no changes proposed to either building. Based on these plans, the relief requested does not appear to be primarily for financial gain but intended to situate each building on a separate lot.

3. *That the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of this Ordinance or the Comprehensive Plan.*

The future land use map of the comprehensive plan identifies this area as one intended for medium density residential development, characterized by one to three family dwellings on lots that measure between 3,200 to 5,000 SF. By situating the dwelling on a separate lot, the subdivision would conform to the intent of the comprehensive plan. No changes are proposed to either building. The subdivision would allow for maintenance of each structure on a separate lot, which would not alter the neighborhood's character.

4. *That the relief to be granted is the least relief necessary.*

Given the unique characteristics of the property, the relief requested would be the least necessary for the subdivision to allow for a building on each lot. Per the plan, cross access easements will be applied to both lots to allow for access from Bell Street. This access area contributes to most of the additional paving on lot 2. However, ample pervious surface will be added to the rear of lot 2, which reduces the magnitude of relief required. It is the DPD's opinion that the relief requested is the least necessary to allow for subdivision of the lot while providing street access from Bell Street.

5. *In addition, the City Plan Commission, as part of unified development review, requires that evidence be entered into the record of the proceedings showing that In granting a dimensional variance, the hardship that will be suffered by the owner of the subject property if the dimensional variance is not granted will amount to more than a mere inconvenience.*

The purpose of the subdivision is to create a separate lot for each of the existing buildings. Denial of the requested relief would prevent the lot from being maintained based on the comprehensive plan's description of having buildings on separate lots within this land use designation. It is the DPD's opinion that the hardship would amount to more than a mere inconvenience if the variance were to be denied as it would prevent subdivision, which the ordinance permits by right.

RECOMMENDATION—Dimensional Variance

Based on the foregoing discussion, the DPD recommends that the CPC approve the requested relief for rear yard impervious coverage on lots 1 and 2.

FINDINGS—Minor Subdivision

Section 806 of the Commission's *Development Review Regulations* requires that the City Plan Commission make the following findings a part of their approval of all land development project applications. Based on the analysis contained herein and subject to the conditions contained in this report, staff has prepared the following findings regarding the request for approval of the Preliminary Plan stage:

1. *Consistency—The proposed development is consistent with the Comprehensive Plan and/or has satisfactorily addressed the issues where there may be inconsistencies.*

The subject property is located in an area that the future land use map of Providence Tomorrow has designated for medium density residential development. These areas are intended for residential uses characterized by one to three family dwellings in detached structures on separate lots ranging between 3,200 to 5,000 SF. The lots created through the subdivision would conform to the type of development envisioned by the plan and would be in character with the surrounding neighborhood and the land use pattern envisioned by the plan.

2. *Compliance with Zoning Ordinance—The proposed development is in compliance with the standards and provisions of the Zoning Ordinance.*

The subdivision will conform to the ordinance subject to the CPC granting relief from the limit on total rear yard impervious coverage. The subject lots will conform to the other dimensional requirements of the ordinance.

3. *Environmental Impact—There will be no significant environmental impacts from the proposed development as shown on the final plan, with all required conditions for approval.*

It does not appear that the subdivision will pose a negative environmental impact as the applicant is required to comply with applicable environmental regulations.

4. *Buildable Lot—The subdivision or development project, as proposed, will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable.*

The subdivision is not expected to pose any constraints to development because it will result in a separate building on each lot and there are no other impediments to development.

5. *Street Access—All proposed development projects and all subdivision lots shall have adequate and permanent physical access to a public street. Lot frontage on a public street without physical access shall not be considered compliance with this requirement.*

Each dwelling will be accessible to vehicles and pedestrians from Bell Street and Grove Street.

RECOMMENDATION—Minor Subdivision

Based on the analysis and findings contained in this report, the CPC should vote to approve the preliminary plan pursuant to dimensional relief being granted through unified development review. The plan should be approved subject to the following conditions:

1. The validity of the preliminary plan should be extended to one year from the date of recording of the approval letter.
2. Final plan approval should be delegated to DPD staff.